

County of HILLSBOROUGH

State of FLORIDA

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ss.

**AFFIDAVIT OF
MICHAEL LOFTON**

I, MICHAEL LOFTON, being first duly sworn upon oath do hereby depose and state as follows:

1. My name is Michael Lofton. I am employed by Intermedia Communications Inc. ("Intermedia") as Network Facilities Supervisor. My business address is 3625 Queen Palm Drive, Tampa, Florida 33619, and my telephone number is (813) 829-2234. In my capacity as Network Facilities Supervisor, I am responsible for designing, ordering, and placement of circuit groups between various exchanges. I graduated from Louisiana State University in 1976. Prior to joining Intermedia, I was employed for five years as Network Facilities Manager by Long Distance Savers, Inc., a telecommunications carrier located in Monroe, Louisiana.

2. I am submitting this Affidavit on behalf of Intermedia. The purpose of my Affidavit is to describe the sequence of events leading up to BellSouth's request that Intermedia submit an Access Service Request ("ASR") for multiple tandem architecture in the Atlanta, Georgia Local Access and Transport Area ("LATA").

3. On or around September 8, 1998, I was contacted by Dean Podzamsky, who is the Manager of the Translation Department at Intermedia, requesting my group to submit an Access Service Request ("ASR") for multiple tandem architecture in the Atlanta, GA LATA. Mr. Podzamsky informed me that his group had received a request from BellSouth asking Intermedia

to submit an ASR for multiple tandem architecture in the Atlanta LATA in order to make BellSouth's records consistent with its circuit deployment. I advised Mr. Podzamsky that neither I nor anyone on my staff knew how to prepare an ASR for multiple tandem architecture because we had never done one before for Intermedia, and there was no need to do one as Intermedia had direct connections to individual tandems in the Atlanta LATA.

4. Nevertheless, because Mr. Podzamsky's was acting in response to BellSouth's request, and it appeared from my conversation with Mr. Podzamsky that the request was critical to BellSouth, I contacted Kasey Howard at BellSouth to seek help on preparing an ASR for multiple tandem architecture as instructed by BellSouth. I advised Mr. Howard that we had never done an ASR for multiple tandem architecture, and that we needed help on preparing it. Mr. Howard understood and promised to provide me with information on preparing an ASR for this type of architecture. A day or so later after my conversation with Mr. Howard, I received a three-page document from BellSouth via facsimile, containing instructions on how to prepare an ASR for multiple tandem architecture. A copy of this document is attached to this Affidavit as **EXHIBIT A**.

5. Using the information I gleaned from the document that was faxed to me by BellSouth, I prepared an ASR for multiple tandem architecture, as BellSouth requested. I then submitted that ASR, identified as Purchase Order Number 1998-21479-50593, to BellSouth electronically via the BDS-TELIS Data Entry Subsystem on November 5, 1998. A hard copy of the ASR is attached to this Affidavit as **EXHIBIT B**.

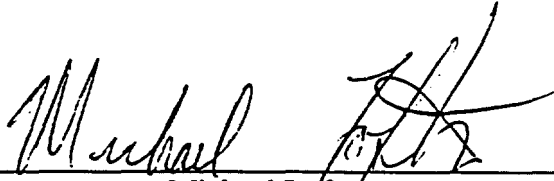
6. I never received a notice from BellSouth rejecting the ASR, so I assumed that the ASR was "clean," although I was informally advised by BellSouth that the ASR could not be processed because the Buckhead tandem was already multi-tandem. Similarly, I never received

a Firm Order Confirmation ("FOC") from BellSouth indicating that the ASR request was accepted. I assumed, however, that because BellSouth was only requesting an ASR for multiple tandem architecture to make its record consistent with its circuit deployment, there was no need for BellSouth to send us a FOC. In other words, if multiple tandem architecture was already in place prior to BellSouth's request that Intermedia submit an ASR, as was evidently the case here, it would not have been necessary to confirm the order. Nevertheless, the ASR remained "open" in Intermedia's records.

7. On February 18, 1999, while reviewing my files, I was reminded that the multiple tandem ASR was still "open." I then placed a telephone call to Mr. Howard at BellSouth to discuss the status of the ASR. Mr. Howard reiterated to me that BellSouth requested Intermedia to submit an ASR for multiple tandem architecture in order to alleviate capacity limitations in the Buckhead tandem. Mr. Howard also assured me that the multiple tandem architecture would be left in place until BellSouth had addressed the capacity problems in the Atlanta LATA, and specifically the Buckhead tandem. I made clear to Mr. Howard that Intermedia would prefer to continue to have direct interconnections to all the tandems in the Atlanta LATA. Further, I specifically stated to Mr. Howard that what Intermedia really wanted was for BellSouth to upgrade the Buckhead tandem and give Intermedia additional trunk terminations there. I then advised Mr. Howard that I was closing out the ASR for multiple tandem architecture which BellSouth requested Intermedia to submit previously. During the same telephone conversation, Mr. Howard asked someone at BellSouth to close the multiple tandem ASR submitted by Intermedia. Before the conversation ended, Mr. Howard assured me that the ASR had been closed.

8. Following my telephone conversation with Mr. Howard, I sent him an e-mail on February 18, 1999, confirming our conversation and formally closing the ASR in writing. Mr. Howard never responded to that e-mail, nor did he at any time in my subsequent telephone conversations with him, challenge my summarization of our prior discussion concerning multiple tandem architecture. A copy of my e-mail to Mr. Howard is attached to my Affidavit as **EXHIBIT C.**

FURTHER AFFIANT SAYETH NOT.



Michael Lofton

SUBSCRIBED AND SWORN TO BEFORE ME this 14 day of July, 1999.



NOTARY PUBLIC

My Commission Expires:

NOTARY TAMMY A. KUELL
PUBLIC State of Florida
My comm. expires July 17, 1999
Comm. No. CC 481368
(☒) Personally Known () Produced I.D.

EXHIBIT A
MULTIPLE TANDEM ARCHITECTURE ASR INFORMATION
PROVIDED BY BELL SOUTH TO INTERMEDIA

APPENDIX B

June 30, 1997

Page 3

LINKS:

Will SS7 Links be ordered? If not, will a Link Provider be utilized and if so, may we have the STP-CLLs that connect to our local STPs (See SS7 Form)

LOCAL TANDEM ACCESS:

Which local tandem/tandems with the CLEC connect to?

Provide this information to Debbie Ballew/LeeVerta George so EXACT can be updated with the Local Tandem/End Offices information.

If the CLEC connects to more than one tandem in the local calling area, a "home" local tandem must be designated by the CLEC.

Directionality for the trunk groups?

For 2-way trunking, the CLEC must provide a CIC code that is not used for FG-D service. (If 1-way local tandem trunking is ordered, the FG-D CIC is adequate.)

If the CLEC plans to order a one-way trunk group to the local tandem, will CCM order a local tandem trunk group to the CLEC or deliver local traffic to the CLEC through the access tandem?

BST should let the CLEC know if the local tandem is ISDN/64CCC capable.

What rate center and NXXs is the CLEC trunk group to the Local Tandem associated with?

This information is for Translations, so they can create local calling area translations for the CLEC end office by mirroring the local calling area of a similar BST end office.

*** MULTIPLE TANDEM ACCESS**

This option will allow the CLECs to interconnect at one or more access tandems in the LATA for exchange of traffic with multiple access tandems within the LATA.

This option applies to trunk groups ordered with the following TRFTYP combinations on the ASR. Also shown is the associated TU & MODs:

Directionality	TTT	TRFTYP	TU	MOD
Terminating & Originating	1 & 2	TM	TD	JZT/KE
2-way	3	TM/TM	TD	JZT/KE
*2-way	3	TM/AM	TD	JZS/KE
2-way	3	AM/AM	TD	JZA/KE

* - BellSouth's preference

APPENDIX C

Version #13

June 30, 1997

(New entries are bolded)

CLEC ASR REQUIREMENTS TABLE
SUPERGROUP

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	PLSG	TU	MOD
SH-D	TS/AL	3	BST AT	• (LOW ALPHA)		MM	TD	JZS
SHSA	TS/AL	3	BST AT	• (LOW ALPHA)		77	TD	JZS
SHSC	TS/AL	3	BST AT	• (LOW ALPHA)		77	TD	JZSKE
SH-D	AL/AL	3	BST AT	• (LOW ALPHA)		MM	TD	JZA
SHSA	AL/AL	3	BST AT	• (LOW ALPHA)		77	TD	JZA
SHSC	AL/AL	3	BST AT	• (LOW ALPHA)		77	TD	JZAKE

• (LOW ALPHA) will determine ALOC and ZLOC.

CLEC ASR REQUIREMENTS TABLE
LOCAL TANDEM TRUNK GROUPS TO BELLSOUTH

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	PLSG	TU	MOD
EBUB,SDUB	LL	2	BST Loc. T	CLEC	BST	M-	TO	JZL
EBUB,SDUB	LL/LL	3	BST Loc. T	• (LOW ALPHA)		MM	OG	JZL
EBUM,SDUM	LL	2	BST Loc. T	CLEC	BST	7-	TO	JZL
EBUM,SDUM	LL/LL	3	BST Loc. T	• (LOW ALPHA)		77	OG	JZL
EBUN,SDUN	LL	2	BST Loc. T	CLEC	BST	7-	TO	JZLKE
EBUN,SDUN	LL/LL	3	BST Loc. T	• (LOW ALPHA)		77	OG	JZLKE

• (LOW ALPHA) will determine ALOC and ZLOC.

CLEC ASR REQUIREMENTS TABLE
MULTIPLE TANDEM ACCESS TRUNK GROUPS TO BELLSOUTH

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	PLSG	TU	MOD
SH-D	TM/TM	3 **	BST AT	• (LOW ALPHA)		MM	TD	JZT
SHSA	TM/TM	3 **	BST AT	• (LOW ALPHA)		77	TD	JZT
SHSC	TM/TM	3 **	BST AT	• (LOW ALPHA)		77	TD	JZTKE
SH-D	TM/AM	3	BST AT	• (LOW ALPHA)		MM	TD	JZS
SHSA	TM/AM	3	BST AT	• (LOW ALPHA)		77	TD	JZS
SHSC	TM/AM	3	BST AT	• (LOW ALPHA)		77	TD	JZSKE
SH-D	AM/AM	3	BST AT	• (LOW ALPHA)		MM	TD	JZA
SHSA	AM/AM	3	BST AT	• (LOW ALPHA)		77	TD	JZA
SHSC	AM/AM	3	BST AT	• (LOW ALPHA)		77	TD	JZAKE

• (LOW ALPHA) will determine ALOC and ZLOC.

** Note: Two one-way transient multiple trunk groups may be ordered in place of one two-way group.

APPENDIX C

Version #15

June 30, 1997

(New entries are bolded)

**CLEC ASR REQUIREMENTS TABLE
LOCAL/INTRA-LATA TOLL TRUNK GROUPS TO BELL SOUTH**

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	FLSG	TU	MOD
SD-D, SB-D	LT	2	BST EO	CLEC	BST	M	ED	J
SD-D, SB-D	LT/LT	3	BST EO	*(LOW ALPHA)		MM	ED	J
SDSA, SBSA	LT	2	BST EO	CLEC	BST	7-	ED	J
SDSA, SBSA	LT/LT	3	BST EO	*(LOW ALPHA)		77	ED	J
SH-D	LT	2	BST AT	CLEC	BST	M	TD	J
SH-D	LT/LT	3	BST AT	*(LOW ALPHA)		MM	TD	J
SHSA	LT	2	BST AT	CLEC	BST	7-	TD	J
SHSA	LT/LT	3	BST AT	*(LOW ALPHA)		77	TD	J
SDSC	LT	2	BST EO	CLEC	BST	7-	ED	JKE
SDSC	LT/LT	3	BST EO	*(LOW ALPHA)		77	ED	JKE
SHSC	LT	2	BST AT	CLEC	BST	7-	TD	JKE
SHSC	LT/LT	3	BST AT	*(LOW ALPHA)		77	TD	JKE

* (LOW ALPHA) will determine ALOC and ZLOC.

**CLEC ASR REQUIREMENTS TABLE
TERMINATING CHOKE TRUNK GROUPS TO BELL SOUTH**

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	FLSG	TU	MOD
SD-D, SB-D	CH	2	BST EO	CLEC	BST	M	ED	JCR
SDSA, SBSA	CH	2	BST EO	CLEC	BST	7-	ED	JCR
SDSC	CH	2	BST EO	CLEC	BST	7-	ED	JCRKE
SH-D	CH	2	BST AT	CLEC	BST	M	TD	JCR
SHSA	CH	2	BST AT	CLEC	BST	7-	TD	JCR
SHSC	CH	2	BST AT	CLEC	BST	7-	TD	JCRKE

**CLEC ASR REQUIREMENTS TABLE
TRANSIENT TRAFFIC TRUNK GROUPS**

ASR REQUIREMENTS				TRUNK GROUP ID				
NC	TRFTYP	TTT	SECLOC	ALOC	ZLOC	FLSG	TU	MOD
SH-D	TS/TS	3	BST AT	*(LOW ALPHA)		MM	TD	JZT
SHSA	TS/TS	3	BST AT	*(LOW ALPHA)		77	TD	JZT
SHSC	TS/TS	3	BST AT	*(LOW ALPHA)		77	TD	JZTKE

* (LOW ALPHA) will determine ALOC and ZLOC.

Note: Two one-way transient traffic trunk groups may be ordered in place of one two-way group.

EXHIBIT B
MULTIPLE TANDEM ARCHITECTURE ASR PREPARED AND
SUBMITTED BY INTERMEDIA TO BELL SOUTH PER BELL SOUTH'S REQUEST

Screen ICASR ~~BDS-TELIS DATA ENTRY SUBSYSTEM~~ 11051998 15.40
 Command Access Service Request Archive
 Transfer Stat Y ECI
 CCNA-EXP PON 1998-21479.50593 VER ICSC SB01 D/TSENT 11051998 0339PM
 QA

D/T Proc 11051998 15:28 D/T Upd 11051998 15:39 Status F CC
 D/T Sel D/T Ret SPA CNO
 ASR EC Status FDT

DDD 11061998 Prjct NOR LUP ReqTyp MD Act C RTR S_
 SUP AFO Exp Y RENG ALB AGAUT Dated LTP CA_
 Cust INTERMEDIA/PHONE ONE FBA
 FNI CFNI Unit C PIU 100
 CKR TG0018284 PLU
 ECCKT AC198301 Qty
 Qty

BAN N/A ASG BIC TEL BIC-ID
 TSC AC198301 ACTL ATLNGABU01T APOT LA AI
 ROrd SPEC PPTD PFPTD
 RPDN 1997-21479-14000 CCVN ASC-EC TSP
 SAN AFG TQ DY BSA

Remarks THIS ORDER IS TO CHANGE TRK GROUP AC198301 AND THE ATLNGABU01T TANDEM T
 O A MULTI TANDEM. SEE ORIGINAL ORDER WHICH IS RPON. TRF TYPE SHOULD BE TMTM. TTT.
 3.
 ICS00011 - FIND COMPLETE.

Rita
 205-714-0027

Screen ICAOM_____ BOS-TELIS DATA ENTRY SUBSYSTEM- 11051998 15:40
Command_____ ASR Administration Information

CCNA EXF PON 1998-21479.50593 VER__ ICSC SB01 ReqTyp MD Act C
ECCKT AC198301 Status F
ASR EC Status RPON 1997-21479-14000

===== Billing Information =====

BillNm INTERMEDIA / PHONE ONE_____ SBiINm INTERMEDIA / PHONE ONE_____
ACNA EXF TE G EBP_____
Street 3625 QUEEN PALM DR_____
City TAMPA_____
FI 3RD Rm_____
State FL Zip 33619-_____
BillCon LINE COST DEPT_ Tel 813-829-0011-_____
SCL VTA_____

===== Contact Information =====

Init JEFF NOBLE_____ Tel 813-829-2812-_____
Street 3625 QUEEN PALM DR_____
City TAMPA_____
FI 2 Rm_____
State FL Zip 33619-_____
DsgCon JEFF NOBLE_____ Tel 813-829-2812-_____
Street 3625 QUEEN PALM DR_____
City TAMPA_____
ORC ZCJ FDRC_____
State FL Zip 33619-_____
FI 3 Rm_____

ImpCon NCC_____ Tel 800-940-0033-_____
MTC DUTY_____ Tel 800-940-0033_____
ICS9098I - NEXT COMPLETED.

Screen ICFGB_____ BDS-TELIS DATA ENTRY SUBSYSTEM 11051998 15.40
 Command _____ ASR Feature Groups B.C.D
 CCNA EXF PON 1998-21479.50593 VER _____ ICSC S801 ReqTyp MD ACT C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000

===== Service Details =====

NC SHSA NCI 04DS6.44_____ TLV _____ DFDLRD 11061998
 DDLRD 11061998 DFOC 11061998 QACI _____ TTT 3 TrfTyp TS-TS
 SecTLV _____ EML _____ CIC 0393 TRN _____
 RECCKT _____
 RECCKT _____
 CFA AC198301 *FA* _____ CPT _____
 CFAU AcSwLoc N/A _____ AcSwType _____
 CKRI TG0018284 _____
 SCFA _____ HBAN _____
 FACTL ATLNABU0IT CSPC _____ TCIC _____ NS _____
 LT SLC _____ NCI HCED IMPTEL 800-940-0033- _____ MUXLOC _____
 PSAP _____
 Remarks

THIS IS A CHANGE ORDER TO CHANGE TANDEM TO MULTI TANDEM. TRFTYP SHOULD BE
 TM-TM.

ICS90981 - NEXT COMPLETED.

Screen ICFB2____ BDS-TELIS DATA ENTRY SUBSYSTEM 11051998 15.40
 Command _____ ASR Feature Groups B.C.D
 CCNA EXF PON 1998-21479.50593 VER ____ ICSC S801 ReqTyp MD ACT C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000 NC SHSA
 RECCKT
 RECCKT

===== Service Details =====
 SSPC____-____-____-____ PCU _____ TYPE - SSPC____-____-____-____ PCU _____ TYPE -
 SSPC____-____-____-____ PCU _____ TYPE - SSPC____-____-____-____ PCU _____ TYPE -
 SSPC____-____-____-____ PCU _____ TYPE - SSPC____-____-____-____ PCU _____ TYPE -
 SSPC____-____-____-____ PCU _____ TYPE - SSPC____-____-____-____ PCU _____ TYPE -
 PRI ADM _____ SEC ADM _____

===== Service Options =====
 SR _ MBA _ OPS _ GETO _ WAC _ COND _ DIDQ _ PC ACT _ REL TSC _____
 ALTRO _____ FGD950 _
 SCRT _____ CHOK _____ CGAP _____

===== Location Section =====
 SecLOC ATLNGABU01T DNPA/NXX _____

Remarks THIS IS A CHANGE ORDER TO CHANGE TANDEM TO MULTI TANDEM. TRFTYP SHOULD BE
 TM-TM.
 ICS9098I - NEXT COMPLETED.

Screen ICTQ _____ BDS-TELIS DATA ENTRY SUBSYSTEM 11051998 15:40
 Command _____ Translation Questionnaire
 CCNA EXF PON 1998-21479.50593 VER _____ ICSC SB01 ReqTyp MD Act C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000

===== Administrative Section =====
 Tech-Con JEFF NOBLE _____ Tel 813-829-2812- _____ DB Test TN _____
 ATP _____ BCR3 _____ BCR5 _____ BCR6 _____ M64 _____ GLARE _____

===== Common Section =====
 Ref TG TG TSC APON DIR ANI DA Tk Test Tk SAC OT OVLP
 Act TYP ACC Seq ANI Sig Non

A	E		AC198301													
B																
C																
D																

Ref CTO OSAC USDO CSP CPN CIP FACT AltRef FACT XXXX FACT XXXX FACT XXXX

Remarks CHANGE TANDEM TO MULTI TANDEM.

ICS90981 - NEXT COMPLETED.

Screen ICTQ2__ BOS-TELIS DATA ENTRY SUBSYSTEM 11051998 15:40
 Command _____ Translation Questionnaire (Continued)

CCNA EXF PON 1998-21479.50593 VER __ ICSC SB01 ReqTyp MD Act C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000

===== Common Section (Continued) =====

Ref	BRAND	ANNC	CCH
A	-	_____	Y
B	-	_____	-
C	-	_____	-
D	-	_____	-

C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX

404744

C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX

C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX

C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX C.NPA/NXX

C.NPA/NXX C.NPA/NXX _____

ICS9098I - NEXT COMPLETED.

Screen ICTQD BDS-TELIS DATA ENTRY SUBSYSTEM 11051998 15:40
 Command Translation Questionnaire

CCNA EXF PON 1998-21479.50593 VER ICSC SB01 ReqTyp MD Act C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000

===== Feature Group D Section =====
 ACIC 1) 2) 3) 4) 5) 6) 7) 8) 9)
 CIC 0393 CClass CC Intra Inter Coin-EA Y

ROUTING MATRIX, Service Prefixes
 ANI II 1+ 0+ 1+ 0+ 1+ 0+
 Digits All 1+ 0+ 00 011 01 500 500 700 700 800 900 900 0-L 411 LPDA 0+L
 All A - - - - - - - - - - - - - - -
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 27 - - - - - - - - - - - - - - -
 52 - - - - - - - - - - - - - - -
 61 - - - - - - - - - - - - - - -
 93 - - - - - - - - - - - - - - -
 ICS9098I - NEXT COMPLETED.

Screen ICTQE____ BDS-TELIS DATA ENTRY SUBSYSTEM 11051998 15:40
 Command _____ Translation Questionnaire

CCNA EXF PON 1998-21479.50593 VER __ ICSC SB01 ReqTyp MD Act C
 ECCKT AC198301 Status F
 ASR EC Status RPON 1997-21479-14000

===== Feature Group D Section (Continued) =====
 Routing Exception Matrix

		Service Prefixes													
ANI II	Line/Class All	0+	011	1+	0+	1+	0+	1+	0+	1+	0+	0-L	411	LPDA	0+L
Digits	Service	1+	00	01	500	500	700	700	800	900	900				
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ICS9098I - NEXT COMPLETED.

Screen ICASR _____ BOS-TELIS DATA ENTRY SUBSYSTEM 10121998 17.07
 Command _____ Access Service Request Archive
 Transfer Stat R ECI
 CCNA ICF PON 1998-21479-50593 VER ____ ICSC SB01 D/TSENT 10121998 0438PM
 QA ____

D/T Proc 10121998 16.20 D/T Upd 10121998 16.38 Status F CC ____
 D/T Sel 10121998 15.40 D/T Ret 10121998 16.00 SPA ____ CNO ____
 ASR 9828500223 EC Status A FDT ____
 DDD 10141998 Prjct ____ NOR ____ LUP ____ ReqTyp SQ Act C RTR S_
 SUP AFO ____ Exp ____ RENG ____ ALB ____ AGAUT ____ Dated ____ LTP ~~MD~~
 Cust INTERMEDIA/PHONE ONE ____ FBA ____
 FNI ____ CFNI ____ Unit C PIU 100
 CKR TG0018284 ____ PLU ____
 ECCKT AC198301 ____ Qty 00000000
 Qty ____

BAN N/A ____ ASG ____ BIC TEL ____ BIC-ID ____
 TSC AC198301 ____ ACTL ATLNGBU0IT APOT ____ LA AI ____
 ROrd SPEC ____ PPTD ____ PFPTD ____
 RPON 1997-21479-14000 CCVN ____ ASC-EC ____ TSP ____
 SAN AFG ____ TQ ____ BSA ____

Remarks THIS ORDER IS A CHANGE ORDER TO CHANGE THE ATLNGBU0IT TANDEM TO A MULT
 I TANDEM. SEE ORIGINAL ORDER WHICH IS THE RPON-TRF TYPE SHOULD BE TMTM-TTT-3. ____

ICS00011 - FIND COMPLETE.

Escalate
Tiffany
14.11

1-205-988-6580

NRI

Chen

Screen ICADM _____ BDS-TELIS DATA ENTRY SUBSYSTEM 10121998 17.08
Command _____ ASR Administration Information

CCNA ICF PON 1993-21479-50593 VER ____ ICSC SB01 ReqTyp SD Act C
ECCKT AC198301 Status F
ASR 9828500223 EC Status A RPON 1997-21479-14000

===== Billing Information =====
BillNm INTERMEDIA COMMUNICATIONS SBilNm _____

ACNA ICF TE A EBP _____
Street 3625 QUEEN PALM ROAD _____ FI _____ Rm _____ VCVTA _____
City TAMPA _____ State FL Zip 33619- _____
BillCon LINE COST DEPT Tel 813-621-0011- _____ SCL VTA _____

===== Contact Information =====

Init JEFF NOBLE _____ Tel 813-829-2812- _____
Street 3625 QUEEN PALM _____ FI _____ Rm _____
City TAMPA _____ State FL Zip 33619- _____

DsgCon JEFF NOBLE _____ Tel 813-829-2812- _____
Street FAX 813-829-2841 _____ ORC FAX FORC _____ FI _____ Rm _____
City TAMPA _____ State FL Zip 33619- _____

ImpCon NOC _____ Tel 800-940-0033- _____
MTC TEC ON DUTY Tel 800-940-0033 _____
ICS9098I - NEXT COMPLETED.

TM-TM
~~TP~~
TQAS

Screen ICSPE____ BDS-TELIS DATA ENTRY SUBSYSTEM 10121998 17:08
 Command____ ASR Special Access Service
 CCNA ICF PON 1998-21479-50593 VER ____ ICSC SB01 ReqTyp SD Act C
 ECCKT AC198301 Status F
 ASR 9828500223 EC Status A RPON 1997-21479-14000
 Circuit Detail: NC HCE- NCI 040S6.66 TLV____ S25____ EXR____
 TRF____ MST____ GETO____ GBTN____ HVP____ NSIM____ SR____
 SecNCI____ SI____ SPOT____ SectLV____ CKLT____
 NSL____ ATN____ CFA N/A____
 CPT____ CFAU____ SSS____ SCFA____
 MUXLoc____ HBAN____ WACDI____
 PRIADM____ WACD2____
 SECADM____ CLK____ NVC____ PSPEED____ LMP____ N/U____ ZLG____ BSC____ ETET____
 Location Sect.: SecLc EATLNGABU0IT Street N/A____
 Bldg N/A____ Fl N/A____ Rm N/A____ City ATLANTA____ St GA____
 RLoc____
 OTC____ WKTel____
 ACTel____ EUCon____ EUTel____
 LCon____ ACC____
 REN____ JKCod____ PCA____ JKNum____ JKPos____ JS____ SMJK____
 CTX Tel____ CTX Nm____ ISDN SEQ____ of____
 RMKS THIS IS JUST A CHANGE ORDER TO CHANGE TANDEM ATLNGABU0IT TO A MULTI TAND
 EM____
 ICS9098I - NEXT COMPLETED.

EXHIBIT C
E-MAIL FROM MICHAEL LOFTON TO KASEY HOWARD

Lofton, Michael G. (EXCH)

From: Lofton, Michael G. (EXCH)
Sent: Thursday, February 18, 1999 12:28 PM
To: 'kasey.howard@bridge.bellsouth.com'
Cc: Thomas, Ed L. (EXCH)
Subject: Closing ASR 1998-21479.50593

Kasey,

Per our conversation this morning, concerning the multiple tandem Architecture, Intermedia concurs with your understanding that Bell South requested this to be deployed to assist with the completion of traffic being blocked due to capacity limitations in the Buckhead tandem. We also understand that Bell South has requested that this arrangement be left in place until BellSouth has worked through the capacity problems in the Atlanta area and specifically the Buckhead tandem. We reiterate our preference to continue our direct interconnection to all the tandems in the Atlanta LATA.

Thus, I am closing out the ASR 1998-21479.50593 that you requested Intermedia submit to BellSouth in November in order to keep your Internal records consistent with BellSouth's circuit deployment.

Thanks

Mike Lofton
Manager - Network Facilities
813-829-2284
mlofton@intermedia.com

State of FLORIDA

SS.

**AFFIDAVIT OF
EDWARD L. THOMAS**

I, EDWARD L. THOMAS, being first duly sworn upon oath do hereby depose and state as follows:

1. My name is Edward L. Thomas. I am employed by Intermedia Communications Inc. ("Intermedia") as Director – Voice Planning & Deployment. My business address is 3625 Queen Palm Drive, Tampa, Florida 33619, and my telephone number is (813) 829-2930. In my capacity as Director – Voice Engineering, I am responsible for engineering the moves, adds, and changes of the telecommunications switching requirements within the Intermedia voice network. This includes the ordering and placement of central office switching equipment, ordering and placement of circuit groups between various exchanges, network capacity management, and network traffic management. My telecommunications background spans thirty-five years of experience and a myriad of technical training courses and seminars. I have attended Kent State University and Wooster (Ohio) College. Prior to joining Intermedia, I was employed by GTE for twenty-nine years in various management capacities.

2. I am submitting this Affidavit on behalf of Intermedia. The purpose of my Affidavit is to describe the manner in which Intermedia interconnects with BellSouth Telecommunications, Inc.'s ("BellSouth") facilities for the purpose of exchanging local traffic.

3. Intermedia is one of the largest independent competitive local exchange carriers ("CLECs") in the United States. In Georgia, Intermedia provides local exchange service primarily to business customers utilizing its telephone switches located in Atlanta. In order to reach end-users located in Georgia, Intermedia interconnects with BellSouth's facilities by purchasing so-called "interconnection trunks" from BellSouth. These "interconnection trunks" are used to connect Intermedia's switches with BellSouth's switches for the purpose of exchanging traffic. BellSouth's switching facilities are of two types: tandem switches and end office switches. A "tandem switch" is an intermediate switch or connection between an originating telephone call location and the final destination of the call; it serves to connect central offices when direct interoffice trunks are not available. An "end office switch" is the last switching point (i.e., central office) in the network before the subscriber's telephone equipment. Access to end users through direct connections to "end offices" subtending the "tandem" switches are appropriate where the volume of traffic so dictates; otherwise, connections to tandem switches are more economical. I provide as **EXHIBIT A** a diagram illustrating how a typical CLEC voice switch is connected to BellSouth's switch or switches.

4. There are at least two ways of reaching end users served out of BellSouth's end-offices. A CLEC could establish direct connections to each tandem within a local access and transport area ("LATA") in order to have access to the end-offices subtending each such tandem. For example, a CLEC could establish direct connections to Tandem A in order to reach end-users served out of end offices A-1, A-2, A-3, and so on; similarly, direct connections to Tandem B could be had in order to have access to end-users served out of end offices B-1, B-2, B-3, and so forth. I will refer to this as "Single Tandem Architecture." A diagram is provided in **EXHIBIT B**.

5. Another option is for a CLEC to interconnect to a single access tandem within the LATA to access all other tandems and end offices subtending the tandems. For example, a CLEC could establish trunk terminations to Tandem A, which would allow the CLEC to connect to the end offices subtending Tandem A, as well as to connect to end offices subtending Tandems B, C, and D via direct connections to Tandem A. The ultimate goal is to have access to all the tandems and end offices within a LATA through a single connection to one of the tandems (or at a minimum, through connections to less than all access tandems within the LATA). I will refer to this as "Multiple Tandem Architecture." A diagram is provided in EXHIBIT C.

6. The choice of whether to use a Single Tandem Architecture as opposed to a Multiple Tandem Architecture would depend on the particular needs of the CLECs. As a general rule, however, although Multiple Tandem Architecture is more economical because a CLEC need only interconnect with one tandem to have access to several tandems and the subtending end offices, this architecture is technically inferior. In particular, from an engineering standpoint, call efficiency is poorer in a Multiple Tandem Architecture setting. This is because the call is switched at multiple levels. On the other hand, Single Tandem Architecture offers high call efficiency because the amount of switching is significantly less. CLECs whose traffic volumes are significant tend to choose Single Tandem Architecture because their traffic volumes justify individual direct connections to each tandem. This is the case with Intermedia.

7. Prior to the first quarter of 1997, Intermedia had direct connections to the tandem switch in Buckhead. This allowed Intermedia to reach end-users that were served out of end-offices subtending the Buckhead tandem. Similarly, end-users served out of end offices

subtending the tandem switch located in Norcross were reached through Intermedia's connection to the Buckhead tandem.

8. Beginning in the first quarter of 1997, BellSouth stopped routing traffic to end-offices subtending the Norcross tandem via direct connections to the Buckhead tandem. BellSouth insisted that the interconnection agreement between BellSouth and Intermedia required direct connections to each tandem in the Atlanta, GA LATA. Consequently, Intermedia established individual direct connections to the Buckhead tandem and the Norcross tandem in order to reach end users served by the various end offices subtending the Buckhead and Norcross tandems, respectively.

9. Beginning in or around April 1998, Intermedia began experiencing congestion problems with the Buckhead tandem. Specifically, Intermedia was unable to obtain trunk terminations in the Buckhead tandem, the result of which was effectively to deny access to Intermedia's customers. Intermedia promptly brought this problem to BellSouth's attention, but the lack of available trunk terminations in the Buckhead tandem persisted for several months. BellSouth assured Intermedia that the addition of the Eastpoint tandem would alleviate the congestion at Buckhead. Indeed, when the Eastpoint tandem became operational, the congestion in the Buckhead facility was alleviated somewhat, but not for long. Soon thereafter, around the third quarter of 1998, the Buckhead tandem began experiencing congestion problems once again. The congestion problem in the Buckhead tandem became progressively worse and hit a critical point during the latter part of 1998, forcing me to escalate the problem sometime in December 1998 to Jon Rey Sullivan, Operations Assistant Vice President at BellSouth. I have since held several discussions with Mr. Sullivan, most recently in March 1999, to address the congestion

problem in Buckhead; however, the problem continued to persist until mid-April 1999 when BellSouth added circuits with Intermedia.

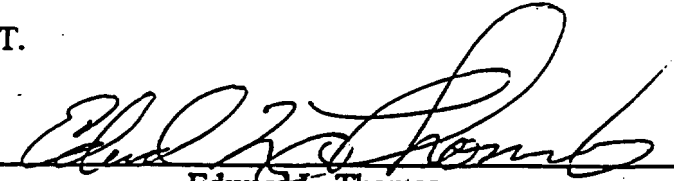
10. I believe that BellSouth may have converted Intermedia's direct interconnection to the Buckhead tandem into a multi-tandem architecture beginning in or around June 1998, *without* Intermedia's knowledge and consent, in order to alleviate the congestion in Buckhead. I believe this to be the case because Kasey Howard of BellSouth asked Dean Podzamsky of Intermedia to submit an Access Service Request ("ASR") to BellSouth in or around September of 1998, requesting the Buckhead tandem trunk group to be made multi-tandem. However, when Intermedia submitted the ASR to BellSouth in November 1998, *pursuant to BellSouth's request*, BellSouth advised Intermedia that the ASR could not be processed because the Buckhead tandem was already multi-tandem. This leads me to conclude that BellSouth had already converted Intermedia's interconnection to the Buckhead tandem into a multi-tandem architecture prior to the time BellSouth requested Intermedia to submit an ASR requesting multi-tandem. This is also consistent with Mike Lofton's conversation with Mr. Howard in late 1998, in which Mr. Howard advised Mike Lofton to submit an ASR for multi-tandem in order to make BellSouth's internal records consistent with its circuit deployment. Please see Mike Lofton's Affidavit.

11. I am unable to determine whether a multi-tandem architecture is in place *today* for Intermedia, although I am reasonably certain that the Buckhead tandem was made multi-tandem, on BellSouth's instance and without Intermedia's consent, in or around June 1998, as discussed above. It is beyond any doubt, however, that Intermedia is not, *on its own*, sending traffic destined to the end offices subtending the Norcross tandem via the Buckhead tandem. Specifically, traffic that is destined to the end offices subtending the Norcross tandem is sent

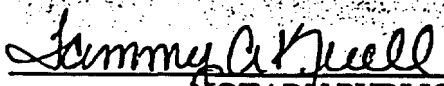
directly to the Norcross tandem, and traffic that is destined to the end offices subtending the Buckhead tandem is sent directly to the Buckhead tandem. BellSouth may well be using multi-tandem to route Intermedia's traffic today, but certainly *not* because Intermedia requested it. Indeed, once Intermedia's traffic is sent to the appropriate tandem, e.g., Buckhead tandem, Intermedia has no control over the ultimate routing of that traffic (and in fact Intermedia has no way of knowing whether that traffic was routed in the manner requested by Intermedia, unless BellSouth produces its translation records). As stated previously, Intermedia prefers to have direct, individual interconnections to all the tandems in the Atlanta LATA, for technical and other reasons.

12. In conclusion, Intermedia has never requested, *on its own*, multi-tandem architecture in the Atlanta LATA in June 1998 or anytime thereafter. Intermedia did, *at BellSouth's request*, submit an ASR requesting temporary conversion to multi-tandem architecture in order to relieve congestion in BellSouth's tandems. That ASR has since been cancelled by both Intermedia and BellSouth. It has never been Intermedia's intention to have a multi-tandem architecture on a permanent basis.

FURTHER AFFIANT SAYETH NOT.


Edward L. Thomas

SUBSCRIBED AND SWORN TO BEFORE ME this 14 day of July, 1999.

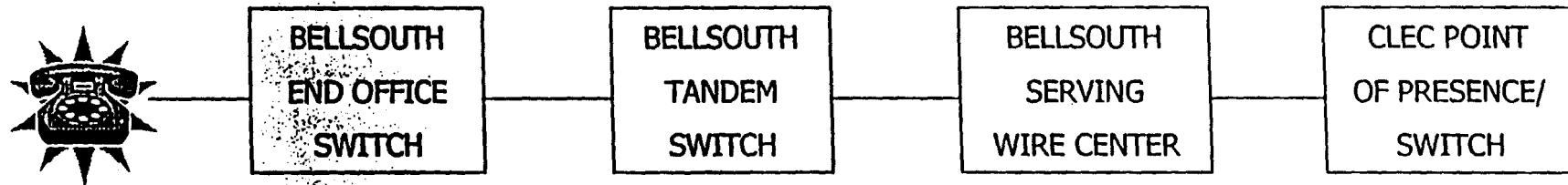

NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC TAMMY A. KUELL
State of Florida
My comm. expires July 17, 1999
Comm. No. CC 481368
(☒) Personally Known () Produced I.D.

EXHIBIT A

TYPICAL INTERCONNECTION OF CLEC AND BELLSOUTH SWITCHES

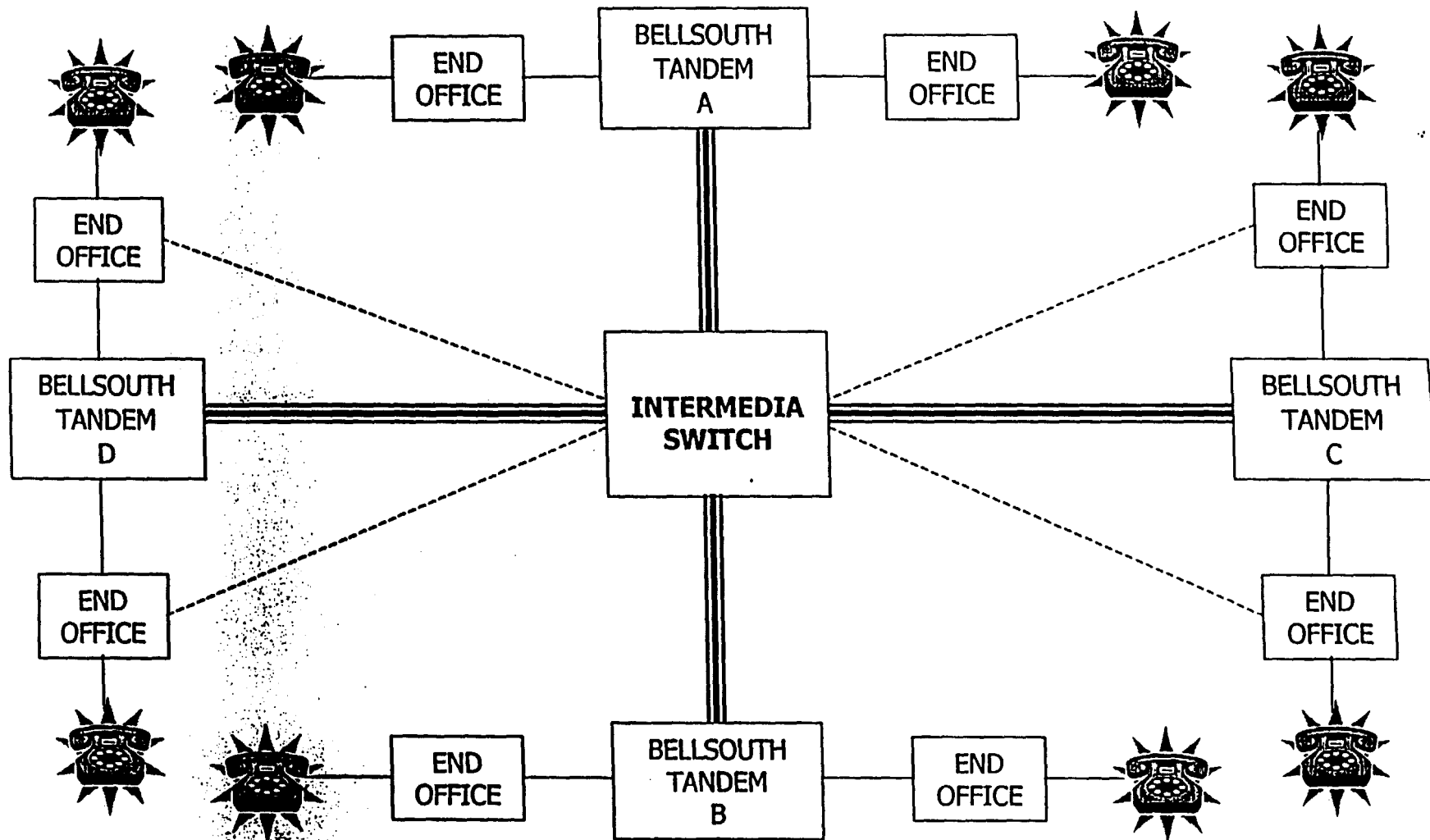


Affidavit of Edward L. Thomas

Exhibit A

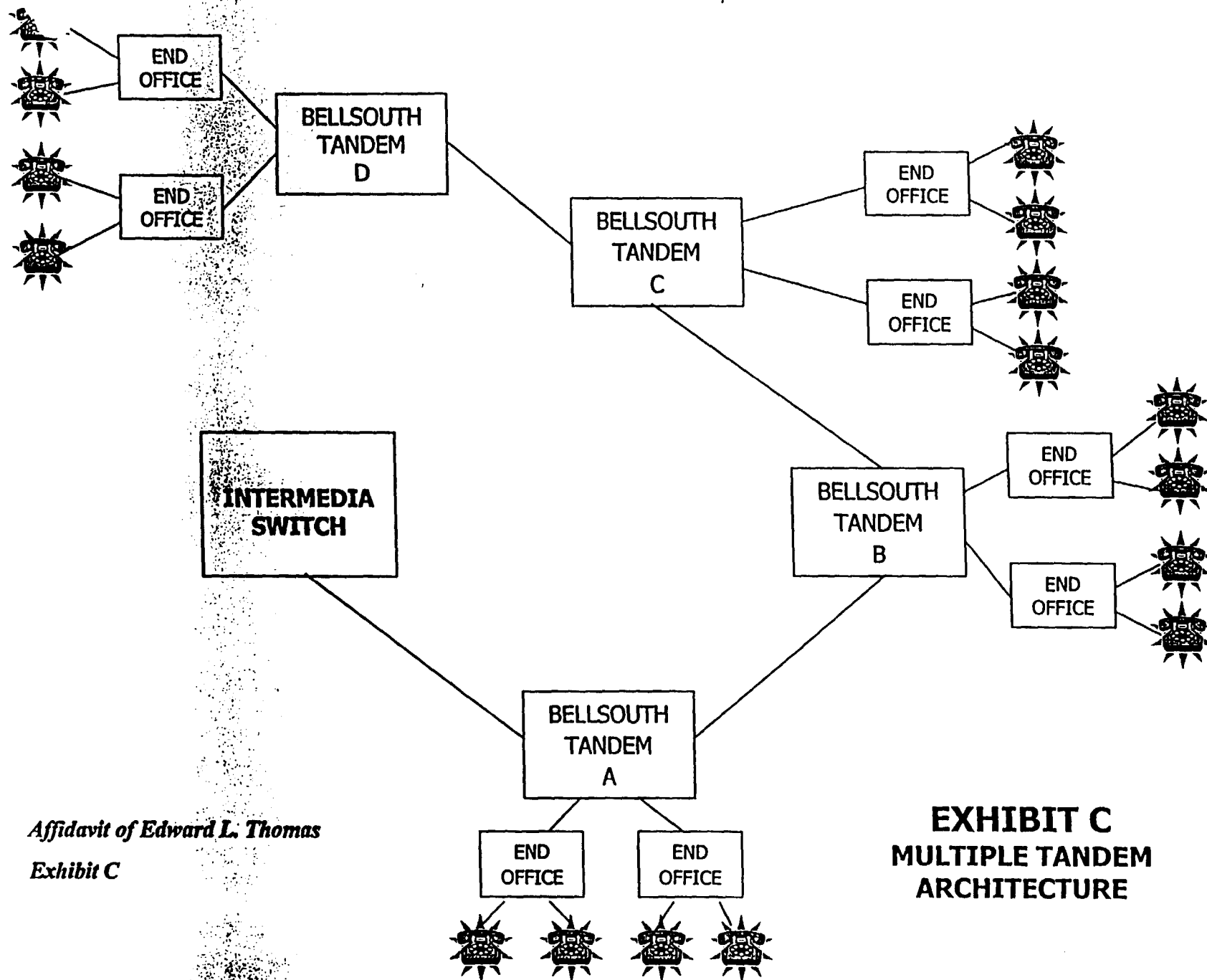
EXHIBIT B

SINGLE TANDEM ARCHITECTURE



Affidavit of Edward L. Thomas

Exhibit B



Affidavit of Edward L. Thomas
Exhibit C

EXHIBIT C
MULTIPLE TANDEM
ARCHITECTURE